

AMENDED IN SENATE APRIL 9, 2013

SENATE BILL

No. 62

Introduced by Senator Price

January 8, 2013

An act to amend Section 802.5 of the Business and Professions Code, relating to coroners.

LEGISLATIVE COUNSEL'S DIGEST

SB 62, as amended, Price. Coroners: reporting requirements: prescription drug use.

Existing law requires a coroner to make a report, as specified, when he or she receives information that indicates that a death may be the result of a physician and surgeon's, podiatrist's, or physician assistant's gross negligence or incompetence. *Existing law requires the report to be followed, within 90 days, by copies of the coroner's report, autopsy protocol, and all other relevant information.*

This bill would expand those provisions to require a coroner to make a report when he or she receives information that indicates a death may be the result of prescription drug use and to require the coroner to additionally file the report with the ~~California State Board of Pharmacy~~ *Medical Board of California*. *The bill would also extend the time during which the coroner's report and other information may follow the report to as soon as possible once the coroner's final report of investigation is complete.* By increasing the duties of county officers, this bill creates a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 802.5 of the Business and Professions
2 Code is amended to read:

3 802.5. (a) When a coroner receives information that is based
4 on findings that were reached by, or documented and approved
5 by, a board-certified or ~~board-eligible~~ California licensed
6 pathologist indicating that a death may be the result of a physician
7 and surgeon's, podiatrist's, or physician assistant's gross
8 negligence or incompetence, a report shall be filed with the Medical
9 Board of California, the Osteopathic Medical Board of California,
10 the California Board of Podiatric Medicine, or the Physician
11 Assistant Board. The initial report shall include the name of the
12 decedent, date and place of death, attending physicians, podiatrists,
13 or physician assistants, and all other relevant information available.
14 The initial report shall be followed, within 90 days *or as soon as*
15 *possible once the coroner's final report of investigation is*
16 *complete*, by copies of the coroner's report, autopsy protocol, and
17 all other relevant information.

18 (b) *A report required by this section shall be confidential. No*
19 *coroner, physician and surgeon, or medical examiner, nor any*
20 *authorized agent, shall be liable for damages in any civil action*
21 *as a result of his or her acting in compliance with this section. No*
22 *board-certified or California licensed pathologist, nor any*
23 *authorized agent, shall be liable for damages in any civil action*
24 *as a result of his or her providing information under subdivision*
25 *(a) or (c).*

26 ~~(b)~~
27 (c) When a coroner receives information that is based on
28 findings that were reached by, or documented and approved by, a
29 board-certified or ~~board-eligible~~ California licensed pathologist
30 indicating that ~~a death may be the cause of death is determined to~~
31 *be the result of prescription drug use*, a report shall be filed with

1 the Medical Board of California, ~~the Osteopathic Medical Board~~
2 ~~of California, the California Board of Podiatric Medicine, or the~~
3 ~~Physician Assistant Board, and shall also be filed with the~~
4 ~~California State Board of Pharmacy.~~ The initial report shall include,
5 *when known*, the name of the decedent, date and place of death,
6 attending physicians, podiatrists, or physician assistants, and all
7 other relevant information ~~available, including, but not limited to,~~
8 *any information available to identify the prescription drugs,*
9 *prescribing physicians, and dispensing pharmacy.* The initial report
10 shall be followed, within 90 days *or as soon as possible once the*
11 *coroner's final report of investigation is complete*, by copies of
12 the coroner's report, autopsy protocol, and all other relevant
13 information.

14 ~~(e) A report required by this section shall be confidential. No~~
15 ~~coroner, physician and surgeon, or medical examiner, nor any~~
16 ~~authorized agent, shall be liable for damages in any civil action as~~
17 ~~a result of his or her acting in compliance with this section. No~~
18 ~~board-certified or board-eligible pathologist, nor any authorized~~
19 ~~agent, shall be liable for damages in any civil action as a result of~~
20 ~~his or her providing information under subdivision (a) or (b).~~

21 SEC. 2. If the Commission on State Mandates determines that
22 this act contains costs mandated by the state, reimbursement to
23 local agencies and school districts for those costs shall be made
24 pursuant to Part 7 (commencing with Section 17500) of Division
25 4 of Title 2 of the Government Code.